**Handouts of Lecture 5 Professional Practices (IT)**

**Lecture Title: Introduction to Ethics (continued)**

**Rule Utilitarianism**

The weaknesses of act utilitarianism have led some philosophers to develop another

ethical theory based on the principle of utility. This theory is called rule utilitarianism.

Some philosophers have concluded that John Stuart Mill was a rule utilitarian,

but others disagree.

 **Basis of Rule Utilitarianism**

**Rule utilitarianism** is the ethical theory that holds that we ought to adopt those moral

rules that, if followed by everyone, lead to the greatest increase in total happiness over

all affected parties. Hence a rule utilitarian applies the principle of utility to moral rules,

while an act utilitarian applies the principle of utility to individual moral actions.

Both rule utilitarianism and Kantianism are focused on rules, and the rules these

two ethical theories derive may have significant overlap. However, the two ethical theories

derive moral rules in completely different ways. A rule utilitarian chooses to follow

a moral rule because its universal adoption would result in the greatest net increase in

happiness. A Kantian follows amoral rule because it is in accord with the Categorical Imperative:

all human beings are to be treated as ends in themselves, not merely as means to

an end. In other words, the rule utilitarian is looking at the consequences of the action,

while the Kantian is looking at the will motivating the action.

 **Evaluating a Scenario Using Rule Utilitarianism**

 **Scenario**

A worm is a self-contained program that spreads through a computer network by

taking advantage of security holes in the computers connected to the network. In

August 2003, the Blaster worm infected many computers running the Windows

2000, Windows NT, and Windows XP operating systems. The Blaster worm

caused computers it infected to reboot every few minutes.

Soon another worm was exploiting the same security hole in Windows to

spread through the Internet. However, the purpose of the new worm, named

Nachi, was benevolent. Since Nachi took advantage of the same security hole as

Blaster, it could not infect computers that were immune to the Blaster worm.

Once Nachi gained access to a computer with the security hole, it located and

destroyed copies of the Blaster worm. It also automatically downloaded from

Microsoft a patch to the operating system software that would fix the security

problem. Finally, it used the computer as a launching pad to seek out other

Windows PCs with the security hole.

Was the action of the person who released the Nachi worm morally right or

wrong?

**Analysis**

To analyze this moral problem from a rule utilitarian point of view, we must

think of an appropriate moral rule and determine if its universal adoption would

increase the happiness of the affected parties. In this case, an appropriate moral

rule might be the following: “If I can write and release a helpful worm that

improves the security of the computers it infects, I should do so.”

What would be the benefits if everyone followed the proposed moral rule?

Many people do not keep their computers up to date with the latest patches

to the operating system. They would benefit from a worm that automatically

removed their network vulnerabilities.

What harm would be caused by the universal adoption of the rule? If

everyone followed this rule, the appearance of every new harmful worm would

be followed by the release of many other worms designed to eradicate the

harmful worm. Worms make networks less usable by creating a lot of extra

network traffic. For example, the Nachi worm disabled networks of Diebold

ATM machines at two financial institutions. The universal adoption of

the moral rule would reduce the usefulness of the Internet while the various

“helpful” worms were circulating.

Another negative consequence would be potential harm done to computers

by the supposedly helpful worms. Even worms designed to be benevolent may

contain bugs. If many people are releasing worms, there is a good chance some

of the worms may accidentally harm data or programs on the computers they

infect.

A third harmful consequence would be the extra work placed on system

administrators. When system administrators detect a new worm, it is not

immediately obvious whether the worm is harmful or beneficial. Hence the

prudent response of system administrators is to combat every new worm that

attacks their computers. If the proposed moral rule were adopted, more worms

would be released, forcing system administrators to spend more of their time

fighting worms.

In conclusion, the harms caused by the universal adoption of this moral

rule appear to outweigh the benefits. Therefore, the action of the person who

released the Nachi worm is morally wrong.

 **The Case for Rule Utilitarianism**

**1. *Not every moral decision requires performing the utilitarian calculus.***

A person who relies on rules of behavior does not have to spend a lot of time and

effort analyzing every particular moral action in order to determine if it is right or

wrong.

**2. *Exceptional situations do not overthrow moral rules.***

Remember the problem of choosing between keeping a promise to A and producing

1,000 units of good for A, or breaking the promise to A and producing 1,001 units of

good for B? A rule utilitarian would not be trapped on the horns of this dilemma. A

rule utilitarian would reason that the long-term consequences of everyone keeping

their promises produce more good than giving everyone the liberty to break their

promises, so in this situation a rule utilitarian would conclude the right thing to do

is to keep the promise to A.

**3. *Rule utilitarianism solves the problem of moral luck.***

Since it is interested in the typical result of an action, the highly unusual result does

not affect the goodness of an action. A rule utilitarian would conclude that sending

flowers to people in the hospital is a good action.

**4. *Rule utilitarianism reduces the problem of bias.***

A weakness of act utilitarianism is that it creates the temptation to perform a biased

analysis. By asking, “Is it okay for me to do this?” an act utilitarian may conclude the

action is acceptable by consciously or unconsciously inflating the personal benefits

and/or deflating the anticipated harms to others. In contrast, a rule utilitarian must

ask the question, “Is it okay for everyone in a similar circumstance to do this?” The

person who answers the latter question is more likely to place appropriate weights

on the benefits and harms of the action.

**5. *It appeals to a wide cross section of society.***

Bernard Gert points out that utilitarianism is “paradoxically, the kind of moral

theory usually held by people who claim that they have no moral theory. Their

view is often expressed in phrases like the following: ‘It is all right to do anything

as long as no one gets hurt,’ ‘It is the actual consequences that count, not some silly

rules,’ or ‘What is important is that things turn out for the best, not how one goes

about making that happen.’ On the moral system, it is not the consequences of the

particular violation that are decisive in determining its justifiability, but rather the

consequences of such a violation being publicly allowed”. In other words, an

action is justifiable if allowing that action would, as a rule, bring about greater net

happiness than forbidding that action.

**The Case against Utilitarianism in General**

As we have just seen, rule utilitarianism seems to solve several problems associated with

act utilitarianism. However, two criticisms have been leveled at utilitarian theories in

general. These problems are shared by both act utilitarianism and rule utilitarianism.

**1. *Utilitarianism forces us to use a single scale or measure to evaluate completely different***

***kinds of consequences.***

In order to perform the utilitarian calculus, all consequences must be put into the

same units. Otherwise we cannot add them up. For example, if we are going to

determine the total amount of happiness resulting from the construction of a new

highway, many of the costs and benefits (such as construction costs and the gas

expenses of car drivers) are easily expressed in dollars. Other costs and benefits

are intangible, but we must express them in terms of dollars in order to find the

total amount of happiness created or destroyed as a result of the project. Suppose a

sociologist informs the state that if it condemns 150 homes, it is likely to cause five

divorces among the families being displaced. How do we assign a dollar value to that

unfortunate consequence? In certain circumstances utilitarians must quantify the

value of a human life. How can the value of a human life be reduced to an amount

of money?

**2. *Utilitarianism ignores the problem of an unjust distribution of good consequences.***

The second, and far more significant, criticism of utilitarianism is that the utilitarian

calculus is solely interested in the total amount of happiness produced. Suppose

one course of action results in every member of a society receiving 100 units of good,

while another course of action results in half the members of society receiving 201

units of good each, with the other half receiving nothing. According to the calculus

of utility, the second course of action is superior because the total amount of good

is higher. That doesn’t seem right to many people.

A possible response to this criticism is that our goal should be to promote the

greatest good of the greatest number. In fact, that is how utilitarianism is often

described. A person subscribing to this philosophy might say that we ought to use

two principles to guide our conduct: (1) we should act so that the greatest amount

of good is produced, and (2) we should distribute the good as widely as possible.

The first of these principles is the principle of utility, but the second is a principle

of distributive justice. In other words, “act to promote the greatest good of

the greatest number” is not pure utilitarianism. The proposed philosophy is not

internally consistent, because there are times when the two principles conflict. In

order to be useful, the theory also needs a procedure to resolve conflicts between

the two principles. We’ll talk more about the principle of distributive justice in the

next section.

The criticisms leveled at utilitarianism point out circumstances in which it seems

to produce the “wrong” answer to a moral problem. However, rule utilitarianism treats

all persons as equals and provides its adherents with the ability to give the reasons why

a action is right or wrong. Hence, we consider it a third workable theory for

evaluating moral problems, joining Kantianism and act utilitarianism.

**Social Contract Theory**

In the spring of 2003, a coalition of military forces led by the United States invaded

Iraq and removed the government of Saddam Hussein. When the police disappeared,

thousands of Baghdad residents looted government ministries. Sidewalk arms merchants

did a thriving business selling AK-47 assault rifles to homeowners needing protection

against thieves. Are Iraqis much different from residents of other countries, or

should we view the events in Baghdad as the typical response of people to a lack of governmental authority and control?

**The Social Contract**

Philosopher Thomas Hobbes (1603–1679) lived during the English civil war and saw

firsthand the terrible consequences of social anarchy. In his book *Leviathan*, he argues

that without rules and a means of enforcing them, people would not bother to create

anything of value, because nobody could be sure of keeping what they created. Instead,

people would be consumed with taking what they needed and defending themselves

against the attacks of others. They would live in “continuall feare, and danger of violent

death,” and their lives would be “solitary, poore, nasty, brutish, and short”.

To avoid this miserable condition, which Hobbes calls the “state of nature,” rational

people understand that cooperation is essential. However, cooperation is possible only

when people mutually agree to follow certain guidelines. Hence moral rules are “simply

the rules that are necessary if we are to gain the benefits of social living”.

Hobbes argues that everybody living in a civilized society has implicitly agreed to two

things: (1) the establishment of such a set of moral rules to govern relations among

citizens, and (2) a government capable of enforcing these rules.He calls this arrangement

the **social contract**.

The Franco-Swiss philosopher Jean-Jacques Rousseau (1712–1778) continued the

evolution of social contract theory. In his book *The Social Contract,* he writes, “Since no

man has any natural authority over his fellows, and since force alone bestows no right,

all legitimate authority among men must be based on covenants”. Rousseau

states that the critical problem facing society is finding a form of association that guarantees

everybody their safety and property, yet enables each person to remain free. The

answer, according to Rousseau, is for everybody to give themselves and their rights to the

whole community. The community will determine the rules for its members, and each

of its members will be obliged to obey the rules. What prevents the community from enacting

bad rules is that no one is above the rules. Since everyone is in the same situation,

no community members will want to put unfair burdens on others because that would

mean putting unfair burdens on themselves.

While everyone might agree to this in theory, it’s easy for a single person to rationalize

selfish behavior. How do we prevent individuals from shirking their duties to the

group? Suppose Bill owes the government $10,000 in taxes, but he discovers a way to

cheat on his taxes so that he only has to pay $8,000. Bill thinks to himself, “The government

gets billions of dollars a year in taxes. So to the government another $2,000 is

just a drop in the bucket. But to me, $2,000 is a lot of money.” What restrains Bill from

acting selfishly is the knowledge that if he is caught, he will be punished. In order for the

social contract to function, society must provide not only a system of laws but a system

of enforcing the laws as well.

According to Rousseau, living in a civil society gives a person’s actions a moral

quality they would not have if that person lived in a state of nature. “It is only then,

when the voice of duty has taken the place of physical impulse, and right that of desire,

that man, who has hitherto thought only of himself, finds himself compelled to act

on other principles, and to consult his reason rather than study his inclinations.”

**James Rachels** summarizes these ideas in an elegant definition of social contract

theory.

\_

**Social Contract Theory**

“Morality consists in the set of rules, governing how people are to treat one

another, that rational people will agree to accept, for their mutual benefit,

on the condition that others follow those rules as well.”

Both social contract theory and Kantianism are based on the idea that there are

universal moral rules that can be derived through a rational process. However, there is

a subtle but important difference in how we decide what makes a moral rule ethical.

Kantianism has the notion that it is right for me to act according to a moral rule if

the rule can be universalized. Social contract theory holds that it is right for me to

act according to a moral rule if rational people would collectively accept it as binding

because of its benefits to the community.

Hobbes, Locke, and many other philosophers of the seventeenth and eighteenth

centuries held that all morally significant beings have certain rights, such as the right

to life, liberty, and property. Some modern philosophers would add other rights to this

list, such as the right to privacy.

There is a close correspondence between rights and duties. If you have the right

to life, then others have the duty or obligation not to kill you. If you have a right to free

health care when you are ill, then others have the duty to make sure you receive it. Rights

can be classified according to the duties they put on others. A **negative right** is a right

that another can guarantee by leaving you alone to exercise your right. For example,

the right of free expression is a negative right. In order for you to have that right, all

others have to do is not interfere with you when you express yourself. A **positive right** is a

right that obligates others to do something on your behalf. The right to a free education

is a positive right. In order for you to have that right, the rest of society must allocate

resources so that you may attend school.

Another way to view rights is to consider whether they are absolute or limited. An

**absolute right** is a right that is guaranteed without exception. Negative rights, such as

the right to life, are usually considered absolute rights. A **limited right** is a right that

may be restricted based on the circumstances. Typically, positive rights are considered

to be limited rights. For example, American states guarantee their citizens the right to

an education. However, because states do not have unlimited budgets, they typically

provide a free education for everyone up through the 12th grade but require people to

pay for at least some of the costs of their higher education.

Proponents of social contract theory evaluate moral problems from the point of

view of moral rights. Kant argued that rights follow from duties. Hence Kantians evaluate

moral problems from duties or obligations.

**Rawls’s Theory of Justice**

One of the criticisms of utilitarianism is that the utilitarian calculus is solely interested

in the total amount of happiness produced. From a purely utilitarian standpoint, an

unequal distribution of a certain amount of utility is better than an equal distribution

of a lesser amount of utility.

Social contract theory recognizes the harm that a concentration of wealth and

power can cause. According to Rousseau, “the social state is advantageous to men only

when all possess something and none has too much” [25, p. 68]. John Rawls (1921–

2002), who did much to revive interest in social contract theory in the twentieth century,

proposed two principles of justice that extend the definition of the social contract to

include a principle dealing with unequal distributions of wealth and power.

**John Rawls’s Principles of Justice**

1. Each person may claim a “fully adequate” number of basic rights and

liberties, such as freedom of thought and speech, freedom of association,

the right to be safe from harm, and the right to own property, so long as

these claims are consistent with everyone else having a claim to the same

rights and liberties.

2. Any social and economic inequalities must satisfy two conditions: first,

they are associated with positions in society that everyone has a fair

and equal opportunity to assume; and second, they are “to be to the

greatest benefit of the least-advantaged members of society (the difference

principle).”

Rawls’s first principle of justice, is quite close to our original definition of social contract theory, except that it is stated from the point of view of rights and liberties rather than moral rules. The second principle of justice, however, focuses on the question of social and economic inequalities. It is hard to imagine a society in which every person has equal standing. For example, it is unrealistic to expect every person to be involved in every civic decision. Instead, we elect representatives who vote in our place and officials who act on our behalf. Likewise, it is hard to imagine everybody in a society having equal wealth. If we allow people to hold private property, we should expect that some people will acquire more than others. According to Rawls, social and

economic inequalities are acceptable if they meet two conditions.

First, every person in the society should have an equal chance to assume a position

of higher social or economic standing. That means that two people born with equal

intelligence, equal talents, and equal motivation to use them wisely should have the same

probability of reaching an advantaged position, regardless of the social or economic

class to which they were born. For example, the fact that someone’s last name is Bush

or Kennedy should not give that person a greater probability of being elected president

of the United States than any other American born with equal intelligence, talent, and

determination.

The second condition, called the **difference principle**, states that social and economic

inequalities must be justified. The only way to justify a social or economic inequality

is to show that its overall effect is to provide the most benefit to the least advantaged.

The purpose of this principle is to help maintain a society composed of free *and*

*equal* citizens. An example of the difference principle in action is a graduated income tax

system in which people with higher incomes pay a higher percentage of their income in

taxes (Figure 2.8). An example of a violation of the difference principle would be a military

draft system in which poor people had a higher probability of being drafted than

wealthy people.

**Evaluating a Scenario Using Social Contract Theory**

**Scenario**

Bill, the owner of a chain of DVD rental stores in a major metropolitan area,

uses a computer to keep track of the DVDs rented by each customer. Using this

information, he is able to construct profiles of the customers. For example, a

customer who rents a large number of Disney titles is likely to have children. Bill

sells these profiles to mail-order companies. The customers begin receiving many

unsolicited mail-order catalogs. Some of the customers are happy to receive

these catalogs and make use of them to order products. Others are unhappy at

the increase in the amount of “junk mail” they are receiving.

**Analysis**

To analyze this scenario using social contract theory, we think about the rights

of the rational agents involved. In this case, the rational agents are Bill, his

customers, and the mail-order companies. The morality of Bill’s actions revolve

around the question of whether he violated the privacy rights of his customers.

If someone rents a DVD from one of Bill’s stores, both the customer and Bill

have information about the transaction. Are their rights to this information

equal? If both the customer and Bill have equal rights to this information, then

you may conclude there is nothing wrong with him selling this information to

a mail-order company. On the other hand, if customers have the right to expect

transactions to be confidential, you may conclude that Bill was wrong to sell this

information without gaining the permission of the customer.

**The Case for Social Contract Theory**

1. *It is framed in the language of rights.*

The cultures of many modern countries, particularly Western-style democracies,

promote individualism. For people raised in these cultures, the concept of individual

rights is powerful and attractive.

2. *It explains why rational people act out of self-interest in the absence of a common*

*agreement.*

Suppose we are living in a city experiencing a gasoline shortage. If every car owner

uses public transportation two days a week, there will be enough gasoline to go

around. I need to decide if I will take the bus two days a week.

Suppose no other car owners ride the bus two days a week. If I decide to ride

the bus, I will have to put up with the inconvenience and the city will still run out

of gas. Alternatively, I can do what everybody else is doing and continue driving my

car until the gasoline supply is exhausted. Since the city will run out of gas either

way, I experience less inconvenience by continuing to drive my car every day.

On the other hand, suppose all the other car owners decide to ride the bus two

days a week. If I decide to ride the bus, I will probably discover that the bus is quite

crowded, since many more people than usual are riding the bus. I will have to adjust

my work schedule to fit the bus schedule, waste time waiting at the bus stop, and

so on. The good news is that the city will not run out of gasoline. Alternatively, I

can continue to drive my car. That will be more convenient for me. The amount of

gasoline my car consumes is insignificant compared to the needs of the city, and the

city will not run out of gasoline. Since the city will not run out of gas either way, I

experience less inconvenience by continuing to drive my car every day.

To summarize, if no one else rides the bus, it’s better for me if I drive my car.

If everyone else rides the bus, it’s better for me if I drive my car. I have used logic

to conclude that I should continue to drive my car. Unfortunately, everyone else

in the town logically reaches the same conclusion! As a result, the city runs out of

gasoline.

The reason we all decided to act selfishly was because we did not have a common

agreement. If all of us agreed that everyone should ride the bus two days a

week, and those who did not would pay large fines, then logic would have led people

to choose to use public transportation.

Social contract theory is based on the idea that morality is the result of an

implicit agreement among rational beings who understand that there is a tension

between self-interest and the common good. The common good is best realized

when everyone cooperates. Cooperation occurs when those acting selfishly suffer

negative consequences.

3. *It explains why under certain circumstances the government may deprive some people*

*of some rights.*

For example, social contract theory provides a logical explanation of why it is

morally acceptable to punish someone for a crime. You might ask, “If everyone

has a right to liberty, how can we put in prison someone who has committed a

crime?” The social contract is based on the notion that everyone benefits when everyone

bears the burden of following certain rules. Knowledge that those who do

not follow the rules will be punished restrains individuals from selfishly flouting

their obligations. People will have this knowledge only if society punishes those

who commit crimes.

4. *It explains why under certain circumstances civil disobedience can be the morally right*

*decision.*

Consider the lunch counter sit-ins of the 1960s. On February 1, 1960, four African

American students from North Carolina A&T walked into the Woolworth’s store

on South Elm Street in Greensboro, sat down at a whites-only lunch counter, and

asked for service. When they were denied service, they refused to leave, sitting at

their stools until the store closed. Two days later, eighty-five students participated

in the sit-in at Woolworth’s. All of these students were breaking segregation laws,

but according to social contract theory, their actions could be considered morally

justified. As we have said, the social contract is based on the idea that everyone

receives certain benefits in return for bearing certain burdens. The segregation laws

were designed to give people of color greater burdens and fewer benefits than white

people. Therefore, they were unjust.

**The Case against Social Contract Theory**

1. *None of us signed the social contract.*

The social contract is not a real contract. Since none of us have actually agreed to

the obligations of the citizens of our society, why should we be bound to them?

Defenders of social contract theory point out that the social contract is a theoretical

notion that is supposed to explain the rational process through which communities

adopt moral guidelines. As John Rawls puts it, social contract agreements

are hypothetical and non-historical. They are hypothetical in the sense that they are

what reasonable people “could, or would, agree to, not what they have agreed to”.

They are no historical because they “do not suppose the agreement has

ever, or indeed ever could actually be entered into”. Furthermore,

even if it could be entered into, that would make no difference. The reason it would

make no difference is because the moral guidelines are supposed to be the result of

analysis (facts and values plus logical reasoning), not history. Social contract theory

is *not* cultural relativism in disguise.

2. *Some actions can be characterized in multiple ways.*

This is a problem social contract theory shares with Kantianism. Some situations are

complicated and can be described in more than one way. Our characterization of a

situation can affect the rules or rights we determine to be relevant to our analysis.

3. *Social contract theory does not explain how to solve a moral problem when the analysis*

 *reveals conflicting rights.*

This is another problem social contract theory shares with Kantianism. Consider

the knotty moral problem of abortion, in which the mother’s right to privacy is

pitted against the fetus’s right to life. As long as each of these rights is embraced by

one side in the controversy, the issue cannot be resolved. What typically happens in

debates is that advocates on one side of the issue “solve” the problem by discounting

or denying the right invoked by their adversaries.

4. *Social contract theory may be unjust to those people who are incapable of upholding*

*their side of the contract.*

Social contract theory provides every person with certain rights in return for that

person bearing certain burdens. When a person does not follow the moral rules, he

or she is punished. What about human beings who, through no fault of their own,

are unable to follow the moral rules?

A response to this objection is that there is a difference between someone

who deliberately chooses to break a moral rule and someone who is incapable of

understanding a rule. Society must distinguish between these two groups of people.

People who deliberately break moral rules should be punished, but people who

cannot understand a rule must be cared for.

However, this response overlooks the fact that distinguishing between these two

groups of people can be difficult. For example, how should we treat drug addicts

who steal to feed their addiction? Some countries treat them as criminals and put

them in a prison. Other countries treat them as mentally ill people and put them in

a hospital.

These criticisms demonstrate some of the weaknesses of social contract theory.

Nevertheless, social contract theory is logical and analytical. It allows people to explain

why a particular action is moral or immoral. According to our criteria, it is a workable

ethical theory, joining Kantianism, act utilitarianism, and rule utilitarianism as a way of

evaluating moral problems.

**Virtue Ethics**

Some moral philosophers criticize Kantianism, utilitarianism, and social contract theory

because they ignore what these philosophers consider to be important aspects of living

a moral life, including moral education, moral wisdom, family and social relationships,

and the role of emotions [6]. Over the past several decades there has been a resurgence

of interest in virtue ethics, an ethical theory that accounts for all of these factors.

Unlike Kantianism, utilitarianism, and social contract theory, which grew out of

the Enlightenment, virtue ethics can be traced all the way back to ancient Greece. The

notion of *arete*, usually translated as **virtue** or excellence, refers to reaching one’s highest

potential. The most influential treatment of virtue appears in Aristotle’s *Nicomachean*

*Ethics*, written in the fourth century BC. In this book Aristotle expresses the opinion

that the path to true happiness and genuine flourishing as a human being lies in living a

life of virtue.

**Virtues and Vices**

According to Aristotle, there are two kinds of virtues: intellectual virtues and moral

virtues. **Intellectual virtues** are those virtues associated with reasoning and truth. **Moral**

**virtues**, often called virtues of character by today’s writers, are habits or dispositions

formed through the repetition of the relevant virtuous actions. For example,

you can develop the moral virtue of honesty by habitually telling the truth or performing

other honest actions. In this section our primary focus is on the moral virtues.

Amoral virtue is a deep-seated character trait. Consider someone who possesses the

virtue of honesty, for example. An honest person will tell the truth as a matter of course,

will be uncomfortable with even the thought of doing something deceitful, and will not

appreciate being invited by others to join in a dishonest activity. Morally good people

consistently do what is right; it becomes second nature to them.

Note, then, that a moral virtue is not simply a disposition to *act* in a particular way,

it is also a disposition to *feel* in a particular way. According to Aristotle, you can tell a lot

about someone’s character by observing what pleases them and what bothers them. He

wrote, “We may even go so far as to state that the man who does not enjoy performing

noble actions is not a good man at all. Nobody would call a man just who does not enjoy

acting justly, nor generous who does not enjoy generous actions, and so on.”

Of course, some moral virtues have a more direct connection to the emotions than

others. Courage is a good example of a virtue that has a close connection with the

emotions. In order to be courageous, you must be able to moderate your fear.

As noted earlier, a moral virtue is a deep-seated character trait, and character traits

take time to become deep-seated. Consider a young Boy Scout who is encouraged by his

scoutmaster to take the Boy Scout slogan seriously and “do a good turn daily." The scout

initially responds to this encouragement by actively looking for opportunities to help

someone each day, not so much because he is interested in being helpful, but because he

looks up to his scoutmaster and seeks his praise and approval. The young scout continues

doing daily good deeds for family members, friends, and even strangers for a significant

period of time. Eventually he realizes that he has persisted in his practice of doing a good

turn daily so that it has become a habit—something so ingrained that he no longer relies

upon the compliments of his scoutmaster for motivation. His daily efforts give him a

sense of genuine satisfaction. At this point being helpful to others has become second

nature to the scout; he has become benevolent.

When someone possessing a virtue does not exercise the virtue, we know there is a

good explanation. Suppose Shirley is known for her reliability. She does what she says

she will do, and she shows up on time for meetings. Everybody knows they can count

on Shirley. One morning Shirley does not show up for a meeting she had promised to

attend. When the others notice her absence, they say, “Something must have happened.”

They understand that there must have been an extenuating circumstance that prevented

Shirley from showing up for the meeting on time.

\_

**Summary of Virtue Ethics**

A right action is an action that a virtuous person, acting in character, would

do in the same circumstances. A virtuous person is a person who possesses

and lives out the virtues. The virtues are those character traits human

beings need in order to flourish and be truly happy.

Which virtues are those humans need to flourish and be truly happy?

To some extent that depends on the culture. In Homeric Greece physical courage was

prized; pioneers to the American West put a high value on self-reliance; in today’s multicultural

society tolerance is important. However, certain core virtues, such as honesty,

justice, and loyalty, seem to be of universal importance.

A **vice** is a character trait that prevents a human being from flourishing or being

truly happy. Vices, then, are the opposite of virtues. Aristotle noticed that in many

cases two different vices can be associated with a virtue: one corresponding to an excess

and the other corresponding to a deficiency. For example, the virtue of courage can

be seen occupying a middle ground between cowardice (having an excess of fear) and

rashness (having a deficiency of fear). The virtue of friendliness is somewhere in between

quarrelsomeness (being too critical of what others like or what they want to do) and

obsequiousness (giving in too easily and not being critical enough of what others like or

what they want to do).

Virtue ethics pays attention to the agent (the person performing the

action) as well as the action (as in Kantianism and social contract theory) and the

consequences of the action (as in utilitarianism). A good person does “the right thing

at the right time for the right reason”.

According to the theory of virtue ethics, moral decision making cannot be reduced

to the routine application of a set of rules. That is not to say there is no place for

“rules of thumb.” In order to develop the virtue of trustworthiness, for example, it is

a good idea to follow the rule of thumb “Keep confidences.” However, under certain

circumstances keeping a confidence may not be the right course of action. Moral wisdom

or discernment takes precedence over any rule.

**The Case for Virtue Ethics**

1. *In many situations it makes more sense to focus on virtues than on obligations, rights,*

*or consequences.*

Consider, for example, why it is wrong to steal to satisfy a selfish

desire. According to Kantianism, the act is wrong because the person doing the

stealing is not treating his or her victims as ends in themselves. According to rule

utilitarianism, stealing is wrong because the long-term consequences of everybody

stealing all the time would produce more harm than good. The explanation from

the perspective of virtue ethics is much simpler: stealing to satisfy a selfish desire is

wrong because it disrupts one’s acquisition of the virtue of honesty.

2. *Personal relationships can be morally relevant to decision making.*

Recall that utilitarianism, Kantianism, and social contract theory require us to be completely impartialand treat all human beings as equal. This assumption leads to conclusions that are

hard for most people to accept. For example, when a couple is faced with the choice

between using $5,000 to take their children to Disneyland for a week or feeding

1,000 starving refugees for a month, the calculus of utility would conclude saving

1,000 lives was the better option. When evaluating the same choice from the

perspective of virtue ethics, the relationship the couple has with their children is

morally relevant. Parents are supposed to be partial toward their own children, and

this can be taken into account when determining the best action to take.

3. *Virtue ethics recognizes that our moral decision-making skills develop over time.*

People develop moral virtues by making habits of the appropriate acts. It takes time for a

person’s character to develop. Moral wisdom is an intellectual virtue that also takes

time to develop. Each of us is on the journey from the-person-I-am to the-person-Iam-

meant-to-be, and if I am confused about the right action to take in a particular

circumstance, I can go ask someone who is further along in the journey. In this way

virtue ethics aligns with our everyday experience. People commonly ask someone

“older and wiser” when they truly want to do the right thing and feel uncertain

about the best course of action.

4. *There are no irresolvable moral dilemmas.*

Recall that a weakness of Kantianism is that if there is conflict between perfect duties, there is no way to choose between them. Virtue ethics does not have this defect. Different virtues may tug a person in different directions, but the right action can always be determined by a person

with sufficient moral wisdom. This is not to say that there are no dilemmas. Bad

things can happen to good people, and sometimes people face tragic dilemmas,

where every conceivable alternative is bad. The emotional consequences of making

decisions under these circumstances is addressed in the next point.

5. *Virtue ethics recognizes the important role that emotions play in living a moral life.*

Virtue ethics recognizes that humans are not dispassionate calculating machines.

They are flesh-and-blood creatures with feelings, and when things are going right,

their feelings and thoughts are in alignment. As noted before, virtuous people do

the right things at the right times for the right reasons. They feel satisfied doing

good. When faced with difficult decisions, they are deeply affected.

**The Case against Virtue Ethics**

1. *Different people may have quite different conceptions of human flourishing.*

According to virtue ethics, virtues are character traits that humans need in order to flourish.

We do not live in a homogeneous society, and there are a wide variety of perspectives

about what character traits lead to the most fulfilling life. If we cannot agree on

which character traits are virtues, then we will not be able to agree on what a

virtuous person would do in a particular situation. Therefore, the virtue ethics

approach is not as powerful as Kantianism, rule utilitarianism, and social contract

theory, which identify moral norms that are universally true.

2. *Virtue ethics cannot be used to guide government policy.*

Virtue ethics focuses on the agent, a virtuous human being, more than the act or the consequences of the act. Government policy is typically set by government agencies or groups of officials, not individuals. Consider the case in which a state must decide whether or not to replace a section of highway. An act utilitarian can determine

the monetary costs and benefits of the proposal and reach a conclusion about the

better option. Virtue ethics has something to say about the officials involved in the

decision—they should be honest, diligent, and prudent, for example—but it has

nothing more to contribute to the analysis.

3. *Virtue ethics undermines attempts to hold people responsible for their bad actions.*

According to virtue ethics, people are not born virtuous. Instead, intellectual and

moral virtues must be acquired over time. To a great extent, the virtues a person

attains depends upon how she is raised by her parents, the education she receives,

and the community she grows up in. All of these things are outside the control of a

child. In that case, how can we hold a person responsible if she acquires vices instead

of virtues?

These criticisms show that virtue ethics is not perfect. However, virtue ethics does

provide a framework for people to analyze moral situations, to reach a conclusion about

the right course of action, and to justify the conclusion using logical arguments. Therefore,

we determine that virtue ethics is a workable ethical theory, along with Kantianism,

act utilitarianism, rule utilitarianism, and social contract theory.

**Comparing Workable Ethical Theories**

The divine command theory, ethical egoism, Kantianism, act utilitarianism, rule utilitarianism,

social contract theory, and virtue ethics share the viewpoint that moral good

and moral precepts are objective. In other words, morality has an existence outside the

human mind. For this reason we say these theories are examples of **objectivism**.

What distinguishes ethical egoism, Kantianism, utilitarianism, social contract theory,

and virtue ethics from the divine command theory is the assumption that ethical

decision making is a rational process by which people can discover objective moral

principles with the use of logical reasoning based on facts and commonly held values.

Kantianism, utilitarianism, social contract theory, and virtue ethics explicitly take other

people into consideration when defining what makes an action morally correct, which

sets these theories apart from ethical egoism. Of all the theories we have considered, we

conclude that Kantianism, act utilitarianism, rule utilitarianism, social contract theory,

and virtue ethics are the most workable.

An act utilitarian considers the consequences of the action, computing the total

change in utility to determine if an action is right or wrong. Kantianism, rule utilitarianism, and social contract theory are rule based. According to these theories, an action is morally right if it is in accord with a correct moral rule. Each of the rule-based theories has a different way of determining if a moral rule is correct. A Kantian relies upon the Categorical Imperative. A rule utilitarian considers what the long-term consequences of everyone following the rule would be for the total good. An adherent of social contract theory considers whether rational people would

agree to accept the rule, for everyone’s mutual benefit, provided that everyone else agreed

to follow the rule as well.

Unlike the other theories, which focus on the act itself or the consequences of the

action, virtue ethics focuses on the agent. The purpose of the analysis is to carefully

examine the action taken by an agent in a particular situation to determine if that action

is characteristic of a virtuous person.

These differences among the theories are presented graphically in Figure



**Morality of Breaking the Law**

What is moral and what is legal are not identical. Certain actions may be wrong, even

if there are no laws forbidding these actions. For example, most American states do

not have laws prohibiting texting while driving, but drivers are still morally responsible

for traffic accidents they cause because they are distracted by texting. What about the

opposite situation? Is it possible that an action may be the right thing to do, even if it is

illegal?

In our discussion of social contract theory, we discussed the morality of civil disobedience,

and we concluded that from the perspective of this theory the lunch counter

sit-ins were morally acceptable because the segregation laws being violated were unjust.

Here we are considering a different situation. We are assuming the law is just. When this

is the case, is it possible that an illegal action may be the right action?

To ground our analysis, we will consider a particular illegal action: violating a

licensing agreement by copying a CD containing copyrighted music and giving it to a

friend.

**Social Contract Theory Perspective**

Social contract theory is based on the assumption that everyone in society ought to

bear certain burdens in order to receive certain benefits. The legal system is instituted

to guarantee that people’s rights are protected. It guarantees people will not choose their

selfish interests over the common good. For this reason, we have a prima facie obligation

to obey the law. That means, everything else being equal, we should be law

abiding. In return, our own legal rights will be respected. Our obligation to obey the law

should be broken only if we are compelled to follow a higher-order moral obligation.

From the point of view of social contract theory, then, it is wrong to give a friend a

copy of a CD containing copyrighted music, because that action violates the legal rights

of the person or organization owning the copyright. The desire to do something nice for

a friend is not an overriding moral concern.

**Kantian Perspective**

The Kantian perspective is quite similar to that of social contract theory. People need to

be able to possess objects in order to freely use them for their own purposes. According to

Kant, property rights are made possible through an implicit common agreement. When

you declare that an object is yours, you are stating that everyone else is obliged to refrain

from using that object. Justice demands that in order for you to make such a claim, you

must also respect the similar claims of everyone else. The state ensures that everyone

meets the obligation of respecting everyone else’s property rights. If you were to copy a CD

containing copyrighted material, you would be violating the property rights of the copyright owner

you would be failing to fulfill your obligations to others as a member of civil society. Therefore,

 it is wrong to copy the CD.

**Rule Utilitarian Perspective**

What would be the consequences of people ignoring laws whenever they chose? A beneficial

consequence would be the immediate happiness of the people who are doing what

they please rather than obeying the law. However, there would be numerous harmful

consequences. The people directly affected by lawless actions would be harmed. People

in general, would have less respect for the law, which would encourage more people to

break the law. Assuming increased lawlessness puts an additional burden on the criminal

justice system, society as a whole would have to pay for having additional police officers,

prosecutors, judges, and prisons. If the lawlessness is not controlled by the criminal justice

system, criminal behavior could get out of hand, causing great harm to the victims

of these criminals. Hence, from a rule utilitarian viewpoint, breaking the law has more

harms than benefits and is wrong. We should adopt the moral rule “Obey the law.”

**Act Utilitarian Perspective**

It is possible to conceive of situations where the benefits of breaking a law are greater than

the harms. Suppose I purchase a copyrighted music CD. I play it, and I think it is great.

A friend of mine is in a terrible automobile accident. While he recovers, he will need to

stay quiet for a month. I know he has no money to spend on music. In fact, people are

doing fund-raisers simply to help his family pay the medical bills. I don’t have money to

contribute to a fund-raiser, but I think of another way I could help him out. I can give

my friend a copy of the CD. He will be grateful for having a diversion during his time of

bed rest.

What would be the consequences of my action? The benefit to my friend is at least

$15, the price of the CD. I will be very happy to have been able to do something that

pleased him so much. We assign the value $10 to that beneficial consequence. As far as I

can tell, there is no lost sale, because even if I do not give my friend a copy of the CD, he is

unlikely to purchase it. In fact, giving a copy of the CD to my friend may actually increase

the sales of the CD if my friend likes it and recommends it to other people who do have

money to spend on CDs. So, there are no negative consequences to the record label and

may even be some positive consequences. We assign a value of $0 as the consequence to

the record labels. I am not likely to be prosecuted for what I did. Therefore, there will

be no impact on the criminal justice system. No extra police detectives, prosecutors, or

judges will need to be hired as a result of my action. The calculated consequence of my

action on the legal system has a value of $0. Adding up all the consequences, the total

is $25 worth of benefit. If I do not give my friend a copy of the CD (i.e., do nothing),

there are no consequences, so the total benefit is $0. Therefore, making a copy of the CD

and giving it to my hospitalized friend is the right thing to do.

**Conclusion**

There is nothing intrinsically immoral about copying a CD. However, our society has

chosen to enact laws that grant intellectual property rights to people who do creative

work and distribute it on CDs. From the perspective of social contract theory and

Kantianism, we have a prima facie obligation to obey the law and respect everyone’s

property rights. From the viewpoint of rule utilitarianism, the beneficial consequences

of following the moral rule “Obey the law” greatly exceed the harmful consequences.

From the point of view of all of these theories, the law should be obeyed unless there is a

strong overriding moral obligation. Copying a disc to save a few dollars or help a friend

does not fall into that category.

From an act utilitarian viewpoint, it is possible to come up with a circumstance

where making a copy of a copyrighted CD is the right action. However, it would be

wrong to extrapolate fromthis particular case and conclude that an act utilitarian analysis

would always determine CD copying to be morally acceptable.

***Referrence:***

***Ethics for the Information Age by Michael J. Quinn***